

PLANNING COMMISSION MEETING MONDAY, September 16, 2019 City Council Chambers, 400 East Military Avenue, Fremont NE PLANNING COMMISSION MEETING – 5:00 P.M. AGENDA

- 1. Call to Order.
- 2. Roll Call.
- 3. Disclosure of Ex Parte communication regarding any item on the agenda
- 4. Dispense with the reading and approve the minutes of the August 19, 2019 Regular Meeting as prepared.
- Consider a request by Jerry Nelson on behalf of Elemetal Fabrication and Machine for a Conditional Use Permit to expand a nonstandard use on property generally located at 1400 Railroad Street, Fremont, NE.
 - Staff Report
 - Public Hearing
 - Commission discussion and approval or disapproval
- 6. Consider a request by the Director of Planning for a change to Section 11-504.01(B)(2) and Section 11-504.01(B)(3) of the City of Fremont Unified Development Code related to multiple family developments.
- 7. Consider a request by the Director of Planning for changes to section 11-324.03 of the City of Fremont Unified Development Code related to exceptions to the minimum lot requirements in residential districts, enlargement of nonstandard single family dwellings into required yards, and subdividing lots containing more than one single family residence
- 8. Consider a request by Robert Fields on behalf of Anew Development for the voluntary annexation of approximately the north 220 feet of Lot 1, Fountain Springs Fourth subdivision.

9. Adjournment.

THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE, THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT <u>WWW.FREMONTNE.GOV</u> IN ACCORDANCE WITH THE NEBRASKA OPEN MEETINGS ACT, A COPY OF WHICH IS POSTED CONTINUALLY IN THE COUNCIL CHAMBERS FOR PUBLIC INSPECTION, AND SAID MEETING IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS ALSO KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC IN THE PRINCIPLE OFFICE OF THE DEPARTMENT OF PLANNING, 400 EAST MILITARY AVENUE. THE PLANNING COMMISSION RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.

PLANNING COMMISSION MINUTES August 19, 2019 5:00 o'clock p.m. Regular Meeting

At 5:00 o'clock p.m., Chairman Dev Sookram called the meeting to order. He stated a copy of the Open Meetings Act is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Chairman Sookram, Commissioners Bowen, Landholm, Horeis, Gifford, Nielsen, Sawyer and Carlson were present. Eight Commissioners present – a quorum was established.

Chairman Sookram read the item: disclosure of Ex Parte communication regarding any item on the agenda into the record. Commissioner Nielsen stated that an applicant contacted him, and he stated that they could not discuss the item with him. There were no further Ex Parte communications stated.

Chairman Sookram read the item: dispense with the reading and approve the minutes of the July 15, 2019 Planning Commission Meeting as prepared into the record. It was moved by Commissioner Gifford and seconded by Commissioner Bowen to approve the minutes of the July 15, 2019 Planning Commission Meeting as prepared. A roll call vote showed all eight Commissioners present voting aye. Motion carried unanimously.

Commissioner Borisow joined the meeting at 5:04, all nine commissioners present.

Chairman Sookram read the item: request by Timothy Bryson for a conditional use permit to construct a private camp ground generally located at 797 N. County Rd 19 and 839 N. County Rd 19. This item was continued from the July 15, 2019 Planning Commission meeting. The Planning Director presented her staff report and recommendation. Chairman Sookram opened the public hearing. Chairman Sookram closed the public hearing after receiving comments from the public. Commissioner Bowen moved to approve the Conditional Use Permit with the conditions that a flood plain development permit be approved, that campers be road ready and in place no more than 6 months, that all state and local regulations related to well water and septic tanks be adhered to, and that all local, state and federal regulations be followed. Motion seconded by Landholm. A roll call vote showed all nine commissioners voting aye. Motion carried unanimously.

Chairman Sookram read the item: request by Marlin Brabec for a conditional use permit to cultivate agricultural crops in residential zoning districts inside the city limits on property known as the SunRidge Addition, SunRidge 1st Addition and SunRidge 2nd Addition developments. The property is generally located between Military Avenue, Jack Sutton Drive, Luther Road and Johnson Drive. The Planning Director presented her staff report. Chairman Sookram opened the public hearing and received testimony from the public. Chairman Sookram closed the public hearing. Commissioner Sawyer moved approval with the conditions that 1) measures be taken to avoid drift when spraying; 2) large machinery will not operate before 7 am or after 8 pm; 3) crops be removed by the fall, and 4) all local, state and federal regulations be followed. This permit is valid for the area until it is fully developed. Motion seconded by Nielsen. A roll call voted showed all nine commissioners voting aye. Motion carried unanimously.

Chairman Sookram read the item: Review of the Capital Improvement Plan (CIP) for conformance with the Comprehensive Plan. Finance Director Jody Sanders presented her staff report.

Chairman Sookram opened the public hearing. There were no comments from the public. Chairman Sookram closed the public hearing. Discussion by the Planning Commission ensued. Motion by Borisow to find the CIP in conformance with the Comprehensive Plan. Seconded by Landholm. A roll call vote showed all nine commissioners voting aye. Motion carried unanimously.

Chairman Sookram read the item discussion by the Planning Commission of the UDC and whether there are area needing revisions and priorities for revision. Planning Director Dam opened the discussion. Areas noted needing revision were landscaping, setbacks, parking, residential coverage, area requirements and definitions, zoning for old residential areas, fences, and signage.

Chairman Sookram stated he would entertain a motion to adjourn the meeting. It was moved by Commissioner Sawyer and seconded by Commissioner Landholm to adjourn the meeting. A roll call vote showed all nine Commissioners present voting aye. Motion carried unanimously. Meeting was adjourned at approximately 5:50 p.m.

	APPROVED
	Dev Sookram, Chairman
ATTEST	
Jennifer Dam, Director of Planning	

Staff Report

TO: Planning Commission

FROM: Jennifer L. Dam, AICP, Planning Director

DATE: September 10, 2019

SUBJECT: Request to expand non-standard use at 1400 Railroad Street

Recommendation: Approval

Background:

Jerry Nelson has requested a Conditional Use Permit to expand a non-standard use on behalf of Elemetal Fabrication and Machine.

Specifically, Elemetal proposes to expand their facility and proposes to follow the east line of the existing building which is set back 5 feet from the property line. The proposed building line is at a slight angle so the setback would be 6' at the south end of the building. The required side yard in the GI district was increased from 0' to 20 feet with the adoption of the UDC.

The site is zoned GI, General Industrial and is developed with a fabrication facility. The area to the east is zoned GI, General Industrial and LI, Limited Industrial and are developed with industrial type uses. The area to the south and west is zoned GI General Industrial and is developed with industrial uses. The area to the north is zoned AR, Auto-urban Residential and is developed with residential uses.

11-324-04 allows the granting of a Conditional Use Permit to expand a non-standard use provided that a decrease in the minimum requirements would not adversely affect the surrounding area and that the decrease is necessary to allow the structure to be enlarged, extended structurally altered, converted, or reconstructed.

The proposal to decrease the side yard setback will not adversely impact the area. The decrease in the setback is required to allow the building to be expanded efficiently.

11-324-04 requires specific consideration of the effects on adjacent property, safety, traffic, or city utility service needs, the density of land use zoning for the subject property and adjacent property and the economic impact for the city.

City staff requested the applicant to provide storm water and drainage calculations to show what the run-off would be before and after the proposed addition. The run-off after the addition was increased slightly. The applicant will orient the roofs and use a gutter system to direct the run-off to the vacant, pervious portion of the parcel to minimize impacts to neighboring properties.

Elemetal employs 16 individuals and has expanded beyond the capacity of the existing facility.

The criteria established for approval in 11-316-05(B) are addressed below:

The proposed expansion will not undermine an adopted plan.

The proposed expansion is compatible with the surrounding land uses.

The proposed expansion is located in an area that fits with the flow of work in the existing building. It would be difficult to locate the expansion in a different area on the property.

Approval of this Conditional Use Permit will not create a critical mass of similar conditional uses and will not make the vicinity less desirable for permitted uses.

The conditional use will not use a disproportionate share of public services.

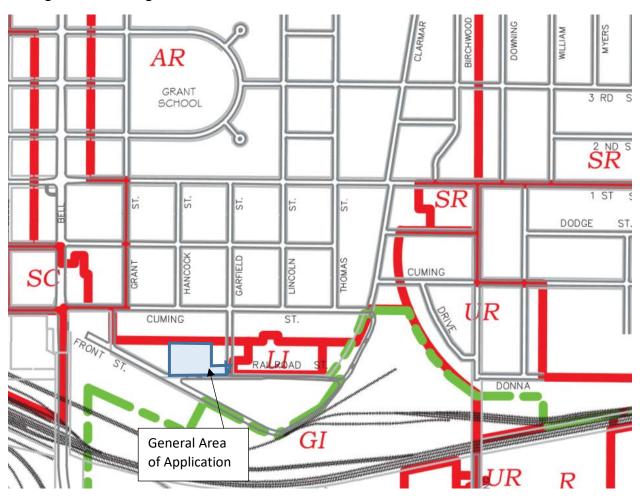
An administrative plat is required in order to combine the two lots to ensure that they remain in common ownership, to provide for storm water flow and to meet the floor area ratio.

The Public Works director reviewed the drainage calculations in a meeting and indicated his approval. His written comments are attached.

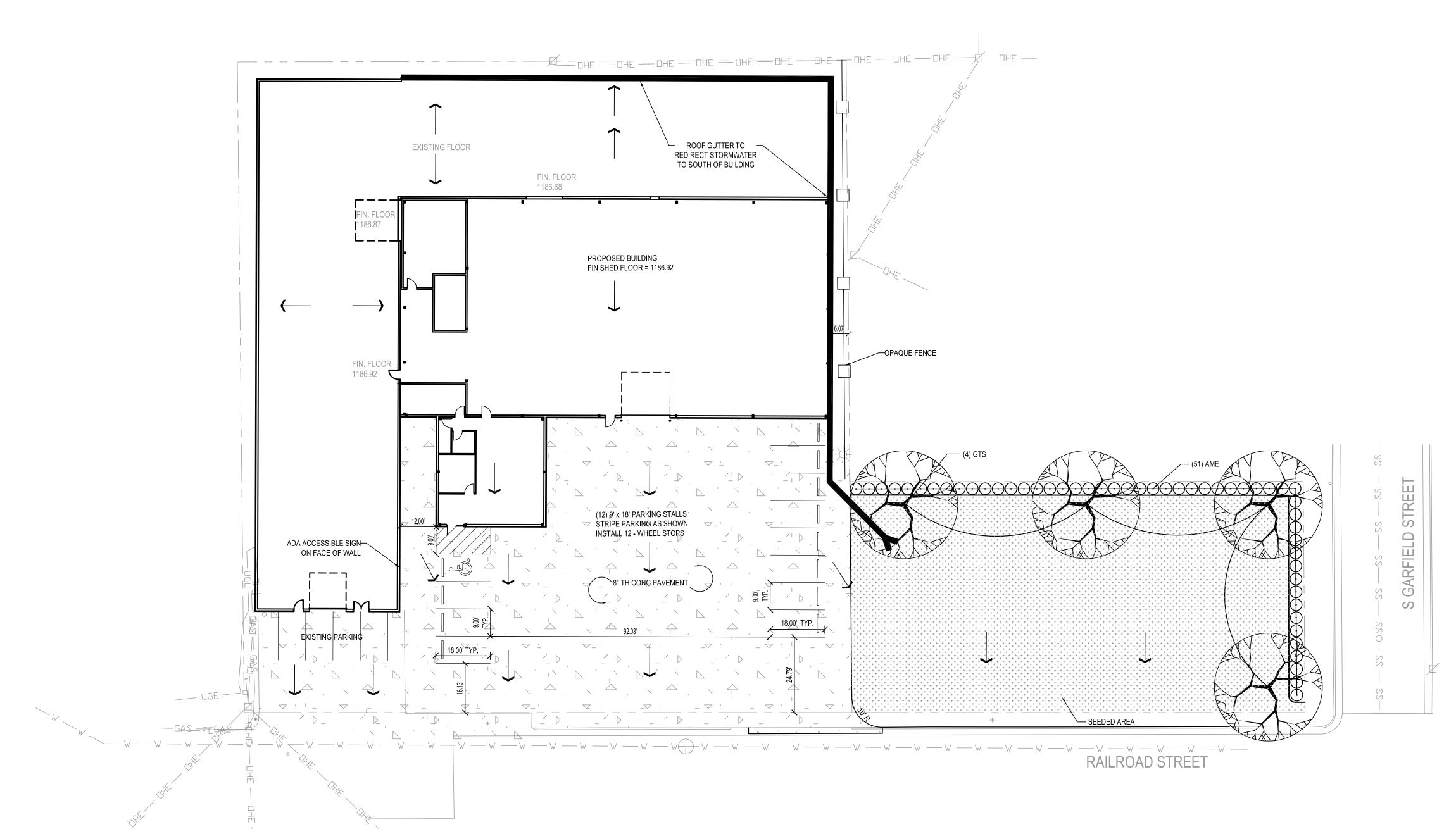
The Fire Chief looked at the plan in a review meeting and did not object to this proposal.

The Police Chief was not available for comment.

Zoning of Surrounding Area:









LEGEND

·	
—— SS ——	SANITARY SEWER LINE
——FD ——	FIBER OPTIC LINE
—— GAS ——	GAS LINE
—— DHE ——	OVERHEAD ELECTRIC LINE
—— UGE ——	UNDERGROUND ELECTRIC LI
	FENCE
	PROPERTY LINE
>	DRAINAGE ARROW
Ø	POWER POLE
*	LIGHT POLE



GENERAL NOTES

1. FOR DETAILS OF TYPICAL PAVEMENT SECTIONS, CURB AND GUTTER, CONCRETE PAVEMENT JOINTS AND TYPICAL PAVEMENT CONSTRUCTION SEE

2. CONTRACTOR TO PREPARE TOP 12" OF PAVEMENT SUBGRADE COMPACTED AT 90% MAXIMUM DENSITY (ASTM D1557, MODIFIED PROCTOR) AT A MOISTURE CONTENT OF -3% TO +4% OF OPTIMUM.

3. THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF THE EXISTING PAVEMENT.

4. ALL SPOIL MATERIAL SHALL BE REMOVED FROM THE SITE. NO SEPARATE PAYMENT SHALL BE MADE FOR DISPOSAL OF SPOIL MATERIAL; IT SHALL BE CONSIDERED SUBSIDIARY TO THE PRICE BID.

5. THE PAVING CONTRACTOR SHALL ADJUST ALL MANHOLES, VALVES, CURB INLETS, GRATE INLETS AND CLEAN-OUTS TO GRADE.

6. PAVING CONTRACTOR SHALL PLACE TRAFFIC RATED CAPS ON CLEAN-OUTS WITHIN PAVED AREAS.

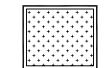
7. ALL DIMENSIONS AND COORDINATE POINTS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.

8. THE CONTRACTOR SHALL STRIPE ALL PARKING STALLS AS SHOWN. PARKING STALL STRIPING SHALL BE 4" WHITE MARKINGS. 9. ALL CURBING SHALL BE BACKFILLED WITH TOPSOIL.

10. MAINTAIN 2% CROSS SLOPE ON SIDEWALKS UNLESS OTHERWISE NOTED.

SIDEWALKS TO BE 4" THICK CONCRETE.

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE & METHOD OF HANDLING	DESIGN HEIGHT & SPREAD
TREES	<u> </u>			•
GTS	GLEDITSIA TRIACANTHOS VAR. INERMIS 'SKYLINE'	SKYLINE HONEYLOCUST	2 1/2" CAL/ B&B/ 12'-14' HT MIN	50' HEIGHT, 35' SPREAD



TODD VALLEY FARM'S TURF SAVER WITH RTF

<u>SEEDING</u>

SEED MIXTURE SHALL INCORPORATE A MINIMUM OF: - 3 OF THE TOP 25% PERFORMING TALL GRASS FESCUES - 3 OF THE TOP 25% PERFORMING KENTUCKY BLUE GRASS

PERFORMANCE SHALL BE BASED ON <u>NTEP'S</u> 2015 TURF GRASS RANKINGS.





REVISIONS			
DATE			
NO.			



ELEMETAL PRE-ENGINEERED METAL BUILDING

1400 RAILROAD STREET FREMONT, NEBRASKA

Project:	18-03090
Date:	03 SEPTEMBER 2019
Revision Date:	



August 5th, 2019

To:

Jennifer Dam, Director of Planning

Planning Commission, City Council, Mayor Getzschman

All interested parties

RE:

Request for Expansion of Nonconforming Use

Elemetal Fabrication and Machine

1400 Railroad Street, Fremont, Nebraska

On behalf of Elemetal Fabrication and Machine, I am requesting an Expansion of Nonconforming Use Permit at their present location 1400 Railroad Street.

Elemetal is a machine shop that fabricates a large variety of custom metal products including food grade stainless steel parts, tanks, augers, conveyors, and many other products. Elemetal's business has been continuously expanding, employs 16 people, and has outgrown their existing facility.

We have been working with Elemetal for well over a year. Initially we were looking to add on to the existing building and then due to existing conditions and zoning requirements, Elemetal decided to look for a new site. After months of research, Elemetal decided there was not an available site in Fremont that met their needs. In order for Elemetal to grow in Fremont, they need to add on to their existing building.

The East wall of the existing building is 5' from the East property line. This distance does not meet the Unified Development Code GI required setback of 20'. The requested expansion of nonconforming use is to allow a building addition to the South which would extend to a continuation of the existing East wall line.

Please reach out to me with any questions or concerns

Sincerely,

Jerry Nelson, AIA

Enclosures: Proposed site plan



Planning & Development 400 E. Military Ave. Fremont, NE 68025 Phone: 402-727-2636 Fax: 402-727-2659

ZONING APPLICATION

APPLICATION TYPE

□ Zoning Change (<i>including conventional and plann</i> Conditional Use Permit	ned unit developm	nent requests)			
APPLICANT (all correspondence will be directed to the	e applicant)				
Name ARCHITECTURAL /NNOVAT	70.113	Phone 402-467-4328			
Address <u>620 N. 482</u> Sq., City <u>LINCOLN</u>	State NE	Zip 68504			
Email juelson eailincorn. c	-om				
PROPERTY OWNER (if not the same as applicant abo	ive)				
Name ELEMETEL Fabrication	& Mackins	Phone 402-721-7753			
Address 1400 RAILROAD SA		Fax			
City FRISMONT	State NE	Zip 68026			
Email andrew @ elemete	Itab. co	n			
ENGINEER, SURVEYOR, OR ARCHITECT (if not the same as applicant above)					
Name ARCHITZGURGE / NOVA	TON!	Phone 402.467.4328			
Address 620 N. 482 St.					
City Lincoln					
Email nelsone ailincorni					
AGENT (if not the same as applicant above)					
Name		Phone			
Address		Fax			
City	State	Zip			
Email					
(application continued on next page)					



Planning & Development 400 E. Military Ave. Fremont, NE 68025 Phone: 402-727-2636

Fax: 402-727-2659

ZONING APPLICATION

PROPERTY INFORMATION		
Address of Property	RAILREAD STRISTST	
General Location (if no address is d	PAILROAD SMESS T	
Brief Legal Description of Property		
Description of Request Exp	ANSION OF NON CONF	CORMING USE
To ALLOW AD?	DIGION MANOTAININE BU.	LOING EAST LINE
An application may be filed only b	by the owner(s) of the property, or duly a	authorized officer or agent of
be true and accurate to the be falsification of information will re	oplication, he/she does hereby acknowle est of their knowledge, and understan esult in rejection of the application and	nd that knowing and willful
prosecution. I have received, read and understawith all applicable codes and ordi	and the terms and conditions of this requ	uest, and agree to compliance
Jan Al	JERAMIE NORSON	08-06-19
Signature	Print Name	Date
	Office Use Only	
Submittal Date 8-6-19	Project No	
Payment Amount300.	Receipt No	
Other Comments	V411099	
	v (1 l W) ,	



September 3rd, 2019

To: Jennifer Dam, Director of Planning

Planning Commission, City Council, Mayor Getzschman

All interested parties

RE: Request for Expansion of Nonconforming Use

Elemetal Fabrication and Machine

1400 Railroad Street, Fremont, Nebraska

Jennifer,

Since we last discussed this project, I have continued to work with Tim Gergen, P.E. of The Clark Enersen Partners to reduce the impact of this project on the existing storm system and neighboring properties. Enclosed you will find a letter from Tim Gergen, P.E., his proposed site plan, and our proposed roof plan.

Please reach out to me with any questions or concerns

Sincerely,

Jerry Nelson, AIA



September 3, 2019

Jennifer Dam Planning Department, City of Fremont 400 E. Military Fremont, NE 68025

RE:

Elemetal Building Expansion

1400 Railroad Street

Dear Jennifer:

On behalf of the Owner, Elemetal, we are submitting a site plan and runoff calculations for a proposed building expansion to the above mentioned property. The submitted site plan shows the proposed runoff flows and the preservation of the corner property for a landscaped area. The roof drainage on the building will be captured in a downspout and routed to the landscape area to avoid the roof runoff to the existing residences.

I have enclosed the 100-year runoff comparison for the site. The storm runoff increases from 10.30 cubic feet per second (cfs) to 10.47 cfs which is an increase of 0.17 cfs in the 100-year storm which is less than 2% increase. Since there is not storm sewer available to this site and the existing site is mostly comprised of buildings and gravel parking lot, we have designed the site plan to ensure that the runoff is directed away from the existing residences to address any localized flooding and enhance the existing vegetated corner to alleviate the stormwater increases.

Please let me know if you have any questions or desire additional information.

Sincerely,

Tim Gerger, P.E.

Elemetal Runoff Comparison

Type II 24-hr 100-Year Rainfall=6.45"

Prepared by The Clark Enersen Partners
HydroCAD® 10.00-14 s/n 06340 © 2015 HydroCAD Software Solutions LLC

Printed 8/23/2019

Page 1

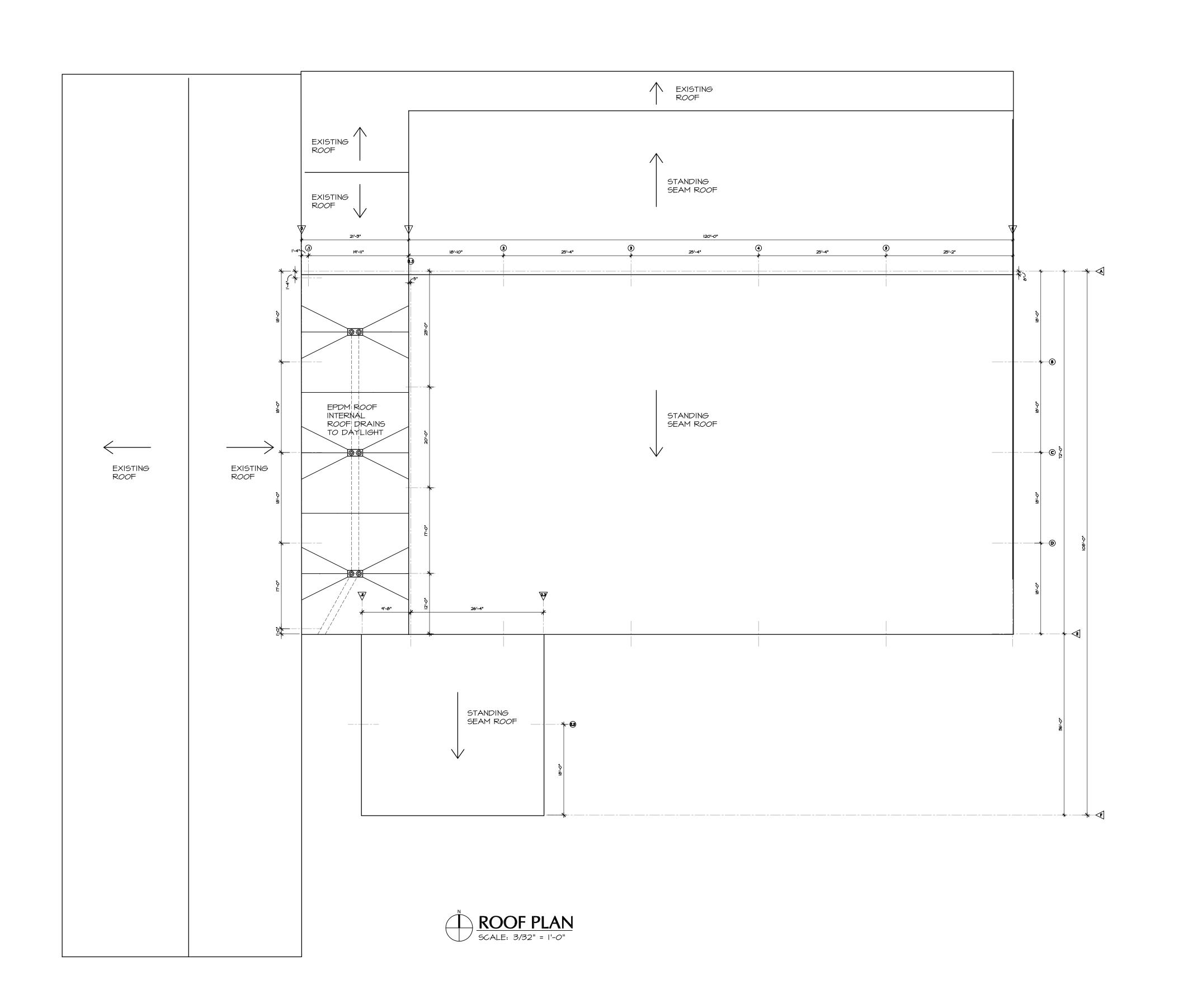
Time span=5.00-20.00 hrs, dt=0.05 hrs, 301 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: EWS_1 Runoff Area=54,252 sf 30.67% Impervious Runoff Depth>5.06"

Flow Length=200' Slope=0.0070 '/' Tc=7.1 min CN=91 Runoff=10.30 cfs 0.525 af

Subcatchment2S: PWS_1 Runoff Area=54,555 sf 73.97% Impervious Runoff Depth>5.16"

Tc=7.1 min CN=92 Runoff=10.47 cfs 0.538 af





REVISIONS

PRELIMINARY DRAFT

FOR REVIEW ONLY

ELEMETAL WAREHOUSE & OFFICE ADDITION

1400 RAILROAD STREET FREMONT, NEBRASKA

ROOF PLAN

Project: 18-03090

Date: 27 JULY 2018

Revision Date:

A6.1

Memo

To: Jennifer Dam

Director of Planning

From: David Goedeken, P.E.

Director of Public Works

Topic: Engineering Review

Elemental Building Expansion

Dated: September 12, 2019

You and I met with the designers for Elemetal regarding my drainage concerns on this expansion project. Originally, I had suggested they design some type of detention/retention of storm water into their design. Upon further field inspection and discussions with the designers at the August 29th meeting we determined detention was not practical but we should consider the abutting neighbors as we moved forward. It was discussed that rather than allow building drains to discharge at the building corners and drain with the natural flow of the neighborhood we should bring the water to the front of the building and drain into Railroad Street. I further asked the designer to calculate the present runoff and compare this to the final runoff after the proposed improvements.

- I have reviewed the resulting submittal from The Clark Enersen Partners. They have calculated the future runoff volumes and there is a slight increase in runoff. This resulted mostly due to the site already being developed and the runoff coefficients from the new buildings is very similar to the runoff coefficients from the parking areas now existing. Therefore, I don't recommend any detention measures being taken.
- I do recommend they do everything they can to direct as much water as possible to Railroad street to prevent direct discharge of water onto the neighboring backyards. The submittal from the designer does recommend the same measures being taken.

Staff Report

TO: Planning Commission

FROM: Jennifer L. Dam, AICP, Planning Director

DATE: July 9, 2019

SUBJECT: Request for change to Section 11-504.01(B) of the UDC

Recommendation: Approval

Background:

Multi-family dwellings require a Conditional Use Permit in the SR, Suburban Residential; AR, Auto-urban Residential, and; UR, Urban Residential zoning districts. At the time the UDC was adopted, the Conditional Use Permit was required only in the SR and AR districts. Multi-family dwellings were a permitted use in the UR district.

The requirement to make multi-family dwellings a conditional use in the UR district occurred between the tenure of the prior planning director and that of the current director. The staff report does not specify the reason for the change.

The change led to inconsistency in portions of the UDC regarding the total number of units permitted per acre and in the distance from other multi-family developments.

Table 11-602.01 allows a maximum gross density of 6 multi-family units per acre in the SR district; 12 units per acre in the AR district; and, 24 units per acre in the UR district.

Section 11-504.01(B)(3) currently states that multifamily dwellings are permitted if "There are no more than 12 units per acre"

The prior zoning code distinguished between multi-family developments of 12 units or less and those with 12 units or more. Multi-Family developments with 12 unit or less were allowed in the R-3 district with a Conditional Use Permit. Multi-family developments of any size were allowed in the R-4 district. This seems to be where the "12 units per acre" stipulation originated.

This proposal establishes consistency between the number of multi-family units per acre allowed in Table 11-602.01 and in the Conditional Use requirements in Section 11.504.01(B)3.

Section 11-504.01(B)2 states that multifamily developments should be greater than 300 feet from any other multi-family development. The SR and AR districts are lower density districts so a distance between multi-family districts is reasonable. The UR district is designed to be a higher density district, so the distance requirement between developments does not make sense. This proposal is to require a distance between multi-family developments only in the SR and AR districts.

The proposed language is redlined below:

Sec. 11-504.01. - Residential and commercial use of the home standards.

The standards of this section apply to residential and commercial use of the home that are specified in Table 11-504.01., Residential and Commercial Use of the Home, as limited ("L") or conditional ("C").

- B. Multifamily Dwellings are permitted if it is demonstrated that:
 - They are located greater than 300 feet from either R, MH, BP, LI, GI, AV or PO district boundaries, as measured from the boundary lines nearest each other, unless separated from such district by a type B bufferyard or a collector or arterial roadway;
 - 2. <u>If located in the SR or AR district, They the proposed multifamily dwellings shall be</u> are located greater than 300 feet from any other multiple family development, as measured from the boundary lines nearest each other;
 - 3. There are no more than <u>6 units per acre in the SR district</u>, 12 units per acre <u>in the AR district and 24 units per acre in the UR district</u>;
 - 4. The use operates in accordance with all other applicable federal, state, and local laws and, if additional permits are required, such permits were obtained prior to beginning operation.

Recommendation: Approval

Staff Report

TO: Planning Commission

FROM: Jennifer L. Dam, AICP, Planning Director

DATE: July 9, 2019

SUBJECT: Request for change to 11-324.03(E)–(G)

Recommendation: Approval

Background:

A request for a Conditional Use Permit to split one lot with two houses on it into two nonconforming lots was submitted in May. That action could not legally be approved. However, the Planning Commission and the City Council both supported the concept of splitting the lots.

The City Council directed the Planning Director to develop language that would "legalize" existing nonconforming lots that were smaller than the lot size required in the zoning district they were in by the UDC. They further directed that the existing uses on the lots should be allowed to be reconstructed only to what exists today in terms of building size, setbacks, and coverage. Additionally, the City Council directed the Planning Director to develop language that would allow the lot at Linden and D Streets to be legally split into two lots.

The proposed language allows both situations to occur.

Recommendation: Approval

Sec. 11-324.04. - Additions, alterations, and repairs.

- A. *Generally.* Repairs and modifications to nonconforming buildings, structures, and signs are permitted as provided by this subsection.
- B. Expansion of Nonconforming Uses.
 - Major Nonconforming Uses. Major nonconforming uses shall not be expanded, enlarged, extended, increased, or moved to occupy an area of land or building that was not occupied on the effective date of this UDC or any amendment that made the use a major nonconforming use.
 - 2. *Minor Nonconforming Use.* No minor nonconforming use shall be expanded or extended in such a way as to:
 - a. Occupy any open space or landscaped surface are that is required by this UDC;
 - Exceed building cover, impervious cover, intensity, or height limitation of the district in which the use is located;
 - Occupy any land beyond the boundaries of the property or lot as it existed on the effective date of this UDC; or
 - d. Displace any conforming use in the same building or on the same lot or tract.

C. Alterations and Repairs.

- 1. Buildings Containing Major Nonconforming Uses. No building or structure that contains a major nonconforming use shall be enlarged unless the major nonconforming use is permanently discontinued.
- 2. Structural Alterations. Structural alterations to nonconforming buildings, structures, and signs are permitted only if it is demonstrated that the alteration will eliminate the nonconformity or reduce it in accordance with the standards of Section 11-325, Compliance Thresholds.
- 3. Maintenance and Repair. Routine maintenance of nonconforming buildings and structures is permitted, including necessary non-structural repairs, paint, and incidental alterations which do not extend or intensify the nonconforming buildings or structures or materially extend their life. This standard also applies to buildings or structures that house nonconforming uses if they are designed in a way that is not suitable for re-use as a conforming use. If the building is conforming and could be re-used for a conforming use, there is no limitation on its maintenance.
- 4. *Signs.* Routine maintenance of nonconforming signs is permitted, including necessary non-structural repairs, paint, and incidental alterations which do not extend or intensify the nonconforming sign or materially extend its life. This standard applies to changing the message of a sign by replacing or repainting the sign face.
- D. Expansion of Nonstandard Uses. Notwithstanding any provision contained in this UDC to the contrary, in all zoning districts, a conditional use permit may be granted to authorize (1) the enlargement, extension, structural alteration, conversion, or reconstruction of a building or structure located upon a premises with a nonstandard use; and/or (2) decreased minimum requirements upon a premises with a nonstandard use provided that the city council finds that such decrease in minimum requirements (i) would not adversely affect the surrounding area; and (ii) the decrease is necessary in order for a building or structure located upon a premises to practicably be enlarged, extended, structurally altered, converted, or reconstructed, or such decrease is otherwise necessary to allow an existing premises to be subdivided.

The conditional use permit shall be granted pursuant to the procedures set forth in section 11-316.05(c) for conditional use permits and shall comply with the standards for conditional use permits set forth in Section 11-316.05(B)(1-6). In consideration of applications for the conditional use permits under this Section 11-324.04(D), the following criteria shall be given specific consideration:

1. Effects on adjacent property, safety, traffic, city utility service needs;

- 2. Density of land use zoning for the subject property and adjacent property; and
- 3. Economic impact for the city.
- E. Exceptions to the Minimum Lot Requirements Residential:
 - 1. In the R, SR, AR and UR zoning districts if a vacant lot or tract of land has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on January 1, 1960, and have not since been changed, such lot or tract of land may be used for a single-family dwelling provided that:
 - i. A side yard of at least five feet shall be provided when located in the R district.
 - 2. where a vacant lot or tract of land has less area or width or both less area and width than herein required and its boundary lines along their entire length abutted lands under other ownership on January 1,1960 and have not since been changed, the lot or tract of land may be used for a single-family dwelling use permitted in this chapter.
 - 3. If a vacant lot or tract of land under (c)(1) or (c)(2) above comes under common ownership with an abutting lot or tract of land, such vacant lot or tract of land may be used for a single-family dwelling provided said abutting lot or tract of land was occupied by a dwelling on the date such contiguous properties came under common ownership.
- F. Enlargement, Extension, or Reconstruction of Nonstandard Single- Family Dwellings Into Required Yards:
 - 1. In the R, SR, AR and UR districts, the enlargement, extension, or reconstruction of a nonstandard main building used as a single-family into a required yard is allowed under the following conditions:
 - a. The proposed building enlargement, extension, or reconstruction shall not extend further into any required yard than the furthest extension of an existing exterior wall of the building, not including a bay window or any other projection allowed by 11-616(B) or any wall of less than ten feet in length, and shall maintain a minimum required setback of three feet for a side yard and twenty feet for a front or 3 feet for a rear yard.
 - b. The use of the main building shall remain a single -family dwelling.
 - c. This does not allow for the enclosure of front porches that encroach into the front yard setback.
- G. Lots or tracts of land containing more than one single family residence prior to January 1, 1971, may be subdivided to provide one lot per residence provided that no such lot contains less area than 4,000 square feet in the SR, AR and UR districts. In the R district lots or tracts of land containing more than one single family residence prior to January 1, 1971, may be subdivided into lots smaller than 1 acre but larger than .75 acre provided that the subdivider can first receive approval from the State of Nebraska regarding the size, spacing and design of septic systems and water wells or receive approval to connect to city sewer and water services.

Staff Report

TO: Planning Commission

FROM: Jennifer L. Dam, Planning Director

DATE: September 13, 2019

SUBJECT: Voluntary Annexation North 220' Lot 1, Fountain Springs 4th Subdivision

Recommendation: Approval

Background:

A Voluntary Annexation Petition has been received for the North 22' of Lot 1, Fountain Springs 4th Subdivision.

This property request is associated with a previously approved Conditional Use Permit for apartments and annexation of another portion of the project area.

The original annexation request did not include the portion of this lot in the legal description that was provided. The developer thought that only Lot 2, Fountain Springs 4th Subdivision was outside the city limits.

It is not clear why half of Lot 1, Fountain Springs 4th Subdivision is in the City limits and half of it is out of the City limits.

The proposed annexation is contiguous to the City.

The City Council has approved a redevelopment plan and TIF financing that includes the portion of this parcel that is outside of the city limits.

This request is consistent with the Comprehensive plan and with State Statutes.





